

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P 43 693 WO	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/014332	International filing date (<i>day/month/year</i>) 16 December 2004 (16.12.2004)	Priority date (<i>day/month/year</i>) 18 December 2003 (18.12.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant VARTA MICROBATTERY GMBH			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report
29 August 2006 (29.08.2006)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Ellen Moyse e-mail: pt05@wipo.int
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year)	See form PCT/ISA/210
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FOR FURTHER ACTION

See paragraph 2 below

International application No. PCT/EP2004/014332	International filing date (day/month/year) 16.12.2004	Priority date (day/month/year) 18.12.2003
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International Patent Classification (IPC) or both national classification and IPC

H01M2/02, H01M2/32

Applicant

VARTA MICROBATTERY GMBH

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/014332

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material

a sequence listing
 table(s) related to the sequence listing
 - b. format of material

in written format
 in computer readable form
 - c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/014332

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Novelty (N)</td> <td style="width: 40%;">Claims</td> <td style="width: 30%;"><u>5-8</u></td> <td style="width: 10%; text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td><u>1-4, 9</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td><u>1-9</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td><u>1-9</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td style="text-align: right;">NO</td> </tr> </table> <p>2. Citations and explanations:</p> <p>1 Reference is made to the following document: D1: US 2001/038938 A1 (TAKAHASHI TETSUYA ET AL) 8 November 2001 (2001-11-08)</p> <p>2 NOVELTY (EPC Article 33(2))</p> <p>2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of the independent claim 1 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (the references between parentheses relate to this document):</p> <ul style="list-style-type: none"> - galvanic element with lithium-intercalating electrode and with a housing which is composed of flexible sheet material, through which output conductors which are connected to the electrodes of the element are passed to the exterior, characterized in that the output conductor which is passed to the exterior and is connected to the collector of the negative electrode is composed of nickel-coated copper sheet (paragraphs 16, 85, 124-126). 			Novelty (N)	Claims	<u>5-8</u>	YES		Claims	<u>1-4, 9</u>	NO	Inventive step (IS)	Claims		YES		Claims	<u>1-9</u>	NO	Industrial applicability (IA)	Claims	<u>1-9</u>	YES		Claims		NO
Novelty (N)	Claims	<u>5-8</u>	YES																							
	Claims	<u>1-4, 9</u>	NO																							
Inventive step (IS)	Claims		YES																							
	Claims	<u>1-9</u>	NO																							
Industrial applicability (IA)	Claims	<u>1-9</u>	YES																							
	Claims		NO																							

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/014332

Box No. V	Reasoned statement under Rule 43bis.I(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.2 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claim 2 is not novel within the meaning of PCT Article 33(2). Document D1 discloses (the references between parentheses relate to this document):

- galvanic element with lithium-intercalating electrode and with a housing which is composed of flexible sheet material, through which output conductors which are connected to the electrodes of the element are passed to the exterior, which output conductors are connected to safety electronics, characterized in that at least one of the output conductors which connect the element and the safety electronics is composed of nickel-coated copper sheet (figures 4-7; paragraphs 16, 17, 85-87, 96, 97, 124-126).

2.3 Claims 3, 4 and 9 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty.

3 INVENTIVE STEP (PCT Article 33(3))

3.1 Claims 5-8 do not contain any features which, in combination with the features of any claim to which they refer back, meet the PCT requirements for inventive step.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/014332

Box No. VI	Certain documents cited			
1. Certain published documents (Rule 43bis.1 and 70.10)				
	Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
2. Non-written disclosures (Rule 43bis.1 and 70.9)				
	Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)	

See form 210